

ENROLLED ORIGINAL

A RESOLUTION

18-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To confirm the appointment of Mr. Konrad William Schlater to the Zoning Commission for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Zoning Commission for the District of Columbia Konrad William Schlater Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Konrad William Schlater
1301 Delaware Avenue, S.W.
Washington, D.C. 20024
(Ward 6)

as a member of the Zoning Commission for the District of Columbia, established by section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved December 24, 1973 (87 Stat. 810; D.C. Official Code § 6-621.01), replacing Gregory Jeffries, whose term expired February 3, 2009, for a term to end February 3, 2013.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve the small area action plan submitted by the Mayor to the Council for the area north of Massachusetts Avenue, including portion of Wards 5 and 6, known as NoMa.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "NoMA Vision Plan and Development Strategy Approval Resolution of 2009".

Sec. 2. Pursuant to section 4(c)(4) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective March 16, 1985 (D.C. Law 5-187; D. C. Official Code § 1-306.03(c)(4)), the Mayor transmitted to the Council on March 20, 2009, the proposed NoMA Vision Plan and Development Strategy, dated October 2006, with the 2009 NoMA Plan Clarification, dated February 2009 ("Plan").

Sec 3. The Council finds that:

(1) The study area includes the portions of Wards 5 and 6 bounded approximately by F Street, N.E., Columbus Circle, and Massachusetts Avenue on the south; by New Jersey Avenue, N.W., K Street, N.W., and North Capitol Street on the west; by Q Street, N.E., Eckington Place, N.E., R Street, N.E., 3rd Street, N.E., Randolph Place, N.E., 4th Street, N.E., and T Street, N.E. on the north; by the CSX and Amtrak railroad tracks, Florida Avenue, N.E., 4th Street, N.E., M Street, N.E., and 3rd Street, N.E., on the east.

(2) The Plan was initiated in August 2005 by the Office of Planning and responded to the growing development interest in the NoMA area, as well as concerns from adjacent neighborhoods about the nature of that development.

(3) The proposed Plan was published and made available to the public on August 26, 2006, and the Mayor's public hearing was conducted on September 28, 2006.

(4) The Plan, the product of a 14-month planning process, engaged-property owners, the residents of nearby neighborhoods, and many interested stakeholders to:

- (A) Establish a vision for a new neighborhood;
- (B) Generate specific strategies to accomplish the vision; and
- (C) Respond to the specific concerns and goals of the development

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community and nearby residents.

(5) The planning process took a comprehensive approach and provides practical solutions to support the revitalization of the entire NoMA area and to meet the District's goals and objectives, including those articulated in the Center City Action Agenda 2008.

(6) The Plan details several revitalization strategies that are fundamental components for the renewal of the area. The components include:

- (A) Land use;
- (B) Infrastructure and transportation;
- (C) Public realm and open space;
- (D) Identity and building design;
- (E) Existing neighborhoods; and
- (F) Environment and sustainability.

(7) The Plan defines near- and mid-term strategies for revitalization and articulates broad development goals, urban design guidelines, and priority actions necessary to encourage and facilitate continued private investment and quality design in the NoMA community.

(8) The Plan will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan.

Sec. 4. The Plan, as submitted, is approved by the Council as a small area action plan.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To confirm the appointment of Mr. Roque R. Gerald as the Director of the Child and Family Services Agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Child and Family Services Agency Roque R. Gerald Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Roque R. Gerald
4412 15th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as the Director of the Child and Family Services Agency, established by section 301a of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.01a), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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18-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve proposed regulations submitted to the Council pursuant to the Urban Forest Preservation Act of 2002 to establish an income-contingent program to assist District residents with the removal of hazardous special trees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Urban Forest Preservation Regulations Approval Resolution of 2009".

Sec. 2. Pursuant to section 103(b) of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.03(b)), the Mayor transmitted to the Council on April 30, 2009 proposed regulations to establish an income-contingent program to assist District residents with the removal of hazardous trees that have a minimum circumference of 55 inches. The Council approves the proposed regulations, published on April 3, 2009 in the District of Columbia Register (56 DCR 2605-2607), to amend Chapter 37 of Title 24 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To confirm the appointment of Mr. Bryan Scottie Irving as Chairperson of the District of Columbia Boxing and Wrestling Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Boxing and Wrestling Commission Bryan Scottie Irving Chairperson Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Bryan Scottie Irving
1204 Fairmont Street, N.W.
Washington, D.C. 20009
(Ward 1)

as Chairperson of the District of Columbia Boxing and Wrestling Commission, established by section 5 of the District of Columbia Boxing and Wrestling Commission Act, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-604), for a term to end January 5, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To confirm the appointment of Mr. Bryan Scottie Irving to the District of Columbia Boxing and Wrestling Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Boxing and Wrestling Commission Bryan Scottie Irving Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Bryan Scottie Irving
1204 Fairmont Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member and Chairperson of the District of Columbia Boxing and Wrestling Commission, established by section 5 of the District of Columbia Boxing and Wrestling Commission Act, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-604), for a term to end January 5, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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18-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To confirm the appointment of Mr. Viraj V. Gandhi to the District of Columbia Boxing and Wrestling Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Boxing and Wrestling Commission Viraj V. Gandhi Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Viraj V. Gandhi
3820 39th Street, N.W., #119E
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia Boxing and Wrestling Commission, established by section 5 of the District of Columbia Boxing and Wrestling Commission Act, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-604), for a term to end January 5, 2010.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E. right-of-way so as to exclude a portion of land located under the historic building known as Building 160 from the right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tingey Street, S.E. Right-of-Way Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) Permanent legislation, the Closing of Public Streets and Dedication And Designation for Street Purposes in Squares 743, 744, 771, W-771, 802, 803, 826, 827, 853, 883, AND 884, (S.O. 07-8801 AND 07-8802) Act of 2009, signed by the Mayor on May 20, 2009 (D.C. Act 18-90; 56 DCR ____), must complete its 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law prior to the expiration of the Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008, effective July 28, 2008 (D.C. Law 17-240; 55 DCR 9142) ("temporary legislation"). The temporary legislation expires on June 3, 2009.

(b) It is important that the provisions of the temporary legislation continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tingey Street, S.E. Right-of-Way Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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18-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Smoke Detector Act of 1978 to require apartment building owners to post notice in conspicuous places in common areas in a building instructing tenants on the operation of a building fire alarm; to notify tenants whether the building fire alarm is connected to smoke alarms in individual apartments, or to fire department and emergency medical services; to maintain a fire safety plan and conduct periodic fire drills; and to instruct tenants to immediately call 911 in the event of a fire.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council approved the Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009 on March 3, 2009. This emergency measure will expire on June 14, 2009.

(b) The Council approved the Fire Alarm Notice and Tenant Fire Safety Temporary Amendment Act of 2009 on April 7, 2009. This temporary measure is pending Congressional review and has a projected law date of July 6, 2009.

(c) This Congressional review emergency is necessary to avoid any gap in legal authority while temporary legislation is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Rental Housing Conversion and Sale Act of 1980 to clarify that hand delivery or sending by certified mail a tenant's letter of interest preserves the tenant's or tenant group's opportunity to purchase rights under the act, and that actual receipt of the letter by the housing provider or the Mayor, within the relevant time frame, is not required.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tenant Opportunity to Purchase Preservation Clarification Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council approved the Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2009 on March 3, 2009. This emergency measure will expire on June 21, 2009.

(b) The Council approved the Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009 on April 7, 2009. This temporary measure has a projected law date of July 6, 2009.

(c) This Congressional review emergency is necessary to avoid any gap in legal authority while temporary legislation is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tenant Opportunity to Purchase Preservation Clarification Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Fiscal Year 2009 Budget Support Act of 2008 to replace the fiscal agent for the Woodland Tigers Youth Sports grantee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Woodland Tigers Funding Clarification Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) For fiscal year 2009, a grant in the amount of \$100,000 was awarded to the Anacostia Community Outreach Center/Woodland Tigers Youth Sports for purpose of facilitating the Woodland Tigers Youth Sports and Education program.

(b) The Anacostia Community Outreach Center ("ACOC") has failed to live up to its role as the fiscal agent by withholding the first installment of the grant funds from the Woodland Tigers.

(c) ACOC has received a letter from the Children and Youth Investment Trust Corporation terminating the grant agreement.

(d) This legislation will replace the ACOC with a new fiscal agent, the East of the River Clergy, Police & Community Partnership.

(e) Emergency legislation that the Council previously enacted, the Woodland Tigers Funding Clarification Emergency Amendment Act of 2009, effective April 2, 2009 (D.C. Act 18-40; 56 DCR 2672), will expire on July 1, 2009.

(f) Temporary legislation, the Woodland Tigers Funding Clarification Temporary Amendment Act of 2009, signed by the Mayor on April 27, 2009 (D.C. Act 18-69; 56 DCR 7643), is not expected to become law until July 6, 2009. Additional legislation is needed to fill the gap between the expiration of the original emergency legislation and the completion of the congressional review period for the temporary legislation.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that The Woodland Tigers Funding Clarification Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Equitable Parking Meter Rates Temporary Amendment Act of 2009 to offset the fiscal impact of the So Others Might Eat Property Tax Exemption Act of 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "SOME, Inc. Tax Exemption Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The So Others Might Eat Property Tax Exemption Act of 2008 was enacted on May 20, 2008, subject to the fiscal impact being included in a budget or fiscal plan.

(b) The bill exempted 9 properties, made up of 11 lots and parcels, from real property taxation.

(c) All of the properties are currently operating or in process for rehabilitation and development into affordable special needs housing with intensive supportive services for elderly, homeless, and disabled District residents.

(d) So Other Might Eat, Inc. ("SOME, Inc.") is only a few weeks away from breaking ground on a \$30 million, 5-site, 245-unit supportive housing development for 325 needy people in Southeast, Washington. This deal could fail because SOME's 2008 tax exemption is not yet effective.

(e) SOME, Inc. has put together a financial package of \$30 million in loans, low-income housing tax credits, tax-exempt bonds, loans from the Department of Housing and Community Development, and private donations. Several parts of the financial package are contingent on the tax-exempt status of the properties.

(f) Action must be taken immediately to offset the fiscal impact of the So Others Might Eat Property Tax Exemption Act of 2008 to allow SOME, Inc. to utilize the various sources of funds it has raised and leveraged to continue to provide housing for the District's extremely low-income and special needs residents.

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(g) The Some, Inc. Tax Exemption Amendment Act of 2009, effective February 23, 2009 (D.C. Act 18-15; 56 DCR 1934), expired on May 24, 2009.

(h) The temporary bill, the Some Inc. Tax Exemption Temporary Amendment Act of 2009, signed by the Mayor March 16, 2009 (D.C. Act 18-36; 56 DCR 2664), is not expected to become law until June 2, 2009.

(i) Additional emergency legislation is needed to fill the gap between the expiration of the original emergency legislation and the completion of the congressional review period for the temporary legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the SOME, Inc. Tax Exemption Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve an amendment to the rules governing eligibility requirements of the HealthCare Alliance program to exclude individuals who have third-party health insurance, including Medicare, from enrollment in the program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eligibility Criteria Amendment for the HealthCare Alliance Program Approval Resolution of 2009".

Sec. 2. Pursuant to Section 7a of the Health Care Privatization Amendment Act of 2001, effective March 30, 2004 (D.C. Law 15-109; D.C. Official Code §7-1405.01), the Council approves the proposed amendment to the rules governing eligibility requirements set forth in section 3304 of Title 22 of the District of Columbia Municipal Regulations, which will amend the eligibility requirements of the D.C. HealthCare Alliance program to exclude individuals who have third-party health insurance, including Medicare, from enrollment in the D.C. HealthCare Alliance program.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Health Care Finance and to the Mayor.

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02 (c) (3)).

Sec. 5. This resolution shall take effect immediately.

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A RESOLUTION

18-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve the proposed rulemaking to establish sanitary standards for wholesale food operations that do not provide food directly to the consumer, including manufacturers, processors, repackagers, and distributors of food.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Food Processing Operations Code Approval Resolution of 2009".

Sec. 2. Pursuant to section 10 of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 248; D.C. Official Code § 48-110), the Council approves the proposed rules, as submitted by the Mayor, to add a new Title 25A to the District of Columbia Municipal Regulations to establish sanitary standards for wholesale food operations that do not provide food directly to the consumer, including manufacturers, processors, repackagers, and distributors of food, which were published in the District of Columbia Register on April 11, 2008 (55 DCR 004072).

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Health.

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

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A RESOLUTION

18-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to amend Title 47 of the District of Columbia Official Code to defer certain real property taxes owed the District of Columbia by local and small neighborhood development to protect the viability of small businesses' developments planned in the Rhode Island Avenue Corridor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Development Property Tax Deferral Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to amend Title 47 of the District of Columbia Official Code to defer certain real property taxes without penalty until October 2009, owed by a local, small, neighborhood based developer, Booker Waddelle, Inc, so they may secure financing for their project.

(b) The Booker Waddelle, Inc. project is planning to provide much needed affordable and workforce housing to Rhode Island Avenue, N.E., and assist in revitalizing retail commerce along the corridor.

(c) Booker Waddelle, Inc. is working to secure funding that will alleviate any property tax burden to the District by October, 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Neighborhood Development Property Tax Deferral Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to change the definition of an eligible recipient of a Small Business Micro Loan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Small Business Micro Loan Fund Emergency Declaration Resolution of 2009".

Sec. 2. (a) Businesses in the District of Columbia that have been certified pursuant to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-218.01 *et seq.*) ("Act"), as either small business enterprises or disadvantaged business enterprises, or both, are in need of financial support.

(b) Pursuant to the Act, the Micro Loan Fund was established to provide financial assistance to eligible recipients. An "eligible recipient" means businesses certified as both small business enterprises pursuant to section 2332 of the act and disadvantaged business enterprises pursuant to section 2333 of the act.

(c) The emergency legislation is necessary to provide for immediate financial assistance to businesses that are either small business enterprises pursuant to section 2332 of the act or disadvantaged business enterprises pursuant to section 2333 of the act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small Business Micro Loan Fund Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to authorize the electric company to implement advanced metering infrastructure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Advanced Metering Infrastructure Implementation and Cost Recovery Authorization Emergency Declaration Resolution of 2009".

Sec. 2. The Council of the District of Columbia finds that:

(1) On June 2, 2009, the Council will approve the Advanced Metering Infrastructure Implementation and Cost Recovery Authorization Act of 2009 as Subtitle II-Q of the Fiscal Year 2010 Budget Support Act of 2009. Subtitle II-Q will not become effective until after Congressional review ends sometime this fall.

(2) The American Recovery and Reinvestment Act of 2009 ("ARRA"), signed into law by President Barack Obama in February, contained \$4.5 billion for the development of enhanced technology to enhance electric distribution and transmission known as the smart grid. This funding will be available to electric companies to cover up to 50% of the costs of construction and deployment of the smart grid.

(3) On June 17, 2009, the application period for ARRA funding for smart grid implementation opens. The Department of Energy has stated that it will look favorably on applicants who are shovel-ready and operate in a favorable regulatory climate. This legislation will approve advanced metering infrastructure implementation contingent on the electric company receiving sufficient ARRA funding. Approval of this emergency legislation will allow the electric company to submit the strongest application possible to receive ARRA funding.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Advanced Metering Infrastructure Implementation and Cost Recovery Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to clarify that child development center directors, whose facilities relocate, are afforded the same 5-year grace period to bring their qualifications into compliance that is available to all other child development center directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child Development Center Directors Fairness in Relocation Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to clarify that child development center directors whose facilities relocate are granted the same 5-year grace period to bring their qualifications into compliance with new regulations that is available to all other child development center directors.

(b) Department of Health published new regulations regarding child development centers. Among other prerequisites, these regulations established new qualifications for child development center directors.

(c) The new regulations provide a grace period of up to 5 years for center directors who were employed as qualified center directors at the time of the effective date of the new rules to come into compliance with the new regulations.

(d) There has been confusion in the interpretation of the regulations, which has resulted in the denial of the grace period to center directors whose facilities relocate during the pendency of the 5-year grace period.

(e) This legislation will clarify that a center director who was qualified and employed as a center director on the effective date of these rules is entitled to the same 5-year grace period regardless of whether the facility relocated.

(f) Without this clarification, there will be the unintended consequence that center directors whose facilities relocate during the 5-year grace period will not be able to continue as center directors and a replacement director who meets the new qualifications will have to be retained immediately or the center will be closed.

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(g) Without this clarification, the mere act of changing the location of the facility will render any previously qualified center director immediately unqualified and without any grace period to achieve qualification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child Development Center Directors Fairness in Relocation Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to ensure that capital authorizations are expended for the purposes for which the funds have been appropriated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Revised Capital Project Clarification Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to establish standards and requirements for the expenditure of capital funds to ensure that such funds are expended for the purposes for which they have been appropriated.

(b) Sections 443 and 444 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 799; D.C. Official Code §§ 1-204.43 and 1-204.44) ("HRA"), set forth clear requirements for the authorizing of capital funds. With the creation of pooled-fund projects in fiscal year 2005, some of these requirements were ignored in the approval of the capital budget. Section 444(1) requires that all capital projects include information on the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least 4 fiscal years thereafter, including an explanation of change in total cost in excess of 5% for any capital project included in the plan of the previous fiscal year.

(c) Capital project PL-106C did not include such information, allowing funds to be encumbered for purposes other than intended. Various expenditures have been made from the capital fund which do not appear to be within the original scope and description of this capital project. Pending and future expenditures are currently proposed and contemplated, some, or all, of which may not be within the original intent when originally approved.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Revised Capital Project Clarification Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

18-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to permit the inspection of records pertaining to youth in the custody of the Department of Youth Rehabilitation Services by the Chairman of the Committee on Human Services, Members of the Committee on Human Services, and the Mayor, or their designees, when necessary for the discharge of his duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Second Records Access Emergency Declaration Resolution of 2009".

Sec. 2. (a) Under provisions of section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D. C. Official Code §2-1515.06)) ("Act"), records pertaining to youth in the custody of the Department of Youth Rehabilitation Services ("DYRS") are privileged and confidential and may only be released pursuant to §16-2332 of the District of Columbia Official Code.

(b) As these provisions have been interpreted by the Executive, DYRS has not been permitted to provide information to Councilmembers regarding youth committed to its custody and care, even in response to inquiries regarding allegations of misconduct and wrongdoing on the part of DYRS.

(c) The Committee on Human Services is currently conducting oversight of DYRS programs, policies, and placement decisions directly affecting youth committed to the custody and care of DYRS.

(d) Access to records and information pertaining to youth in the custody of DYRS, which is under the jurisdiction of the Committee on Human Services, is necessary for the Committee to conduct its oversight activities.

(e) On May 27, 2009, the Committee on Human Services met to mark up Bill 18-105, the Records Access Amendment Act of 2009, and approved the bill as amended. The bill, as amended, was approved on 1st reading at the legislative meeting of the Council on June 2, 2009.

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(f) Bill 18-105, as amended, provides access to records of youth in the custody of DYRS to the Mayor, or his designees, as well as to the Chairman and Members of the Committee on Human Services, or their designees.

(g) Emergency legislation amending the Act is necessary to continue to provide the Chairman and Members of the Committee on Human Services, or their designees, access to these records.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Second Records Access Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. CFSA-09-C-0102 to provide specialized developmentally disabled congregate care services to the Child and Family Services Agency, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-09-C-0102 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. CFSA-09-C-0102 with Saga Adventures, Inc., ("Saga") to provide specialized developmentally disabled congregate care services to the Child and Family Services Agency ("CFSA"), and to authorize payment for the services received and to be received under the contract.

(b) On January 1, 2009, CFSA awarded Saga Contract No. CFSA-09-C-0102 to implement services for the provision of specialized developmentally disabled congregate care services for CFSA youth. The term of Contract No. CFSA-09-C-0102 is from January 1, 2009, through October 31, 2009, in the amount not to exceed \$2,037,453.46.

(c) Council approval is necessary as the total amount of Contract No. CFSA-09-C-0102 exceeds \$1 million within a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services. Without the approval, Saga cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-09-C-0102 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to approve the disposition of a portion of certain real property, commonly known as the Alfred Kiger Savoy Elementary School, located at 2400 Shannon Place, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Savoy School Gymnasium Disposition Emergency Declaration Resolution of 2009".

Sec. 2. (a) Pursuant to section 1(b) and 1(b-3) of An Act Authorizing the lease of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code §10-801(b) and (b-3)), the Mayor transmitted to the Council a request for Council approval of the disposition, by a shared-building-use agreement, of a portion of real property commonly known as the Alfred Kiger Savoy Elementary School, located at 2400 Shannon Place, S.E., and designated for assessment and taxation purposes as Lot 0806 in Square 0625 ("Property"), to the Thurgood Marshall Academy ("TMA"), a District of Columbia public charter school, for the specific purpose of providing TMA shared space in a new gymnasium complex being constructed as part of the modernization of Savoy Elementary School, subject to terms and conditions the Mayor considers necessary and appropriate.

(b) In December 2004, TMA purchased from the District of Columbia for use as a public charter school the real property commonly known as 2427 Martin Luther King, Jr. Avenue, S.E., ("TMA property"), which is immediately adjacent to the Property. The agreement of purchase and sale by which TMA acquired the TMA property requires TMA to pursue the development of a shared-use gymnasium for use by TMA and Savoy Elementary School.

(c) By deed restriction included in the agreement of purchase and sale for the TMA property, TMA is prohibited from constructing on TMA property any structure, including a gymnasium.

(d) The Office of Public Education Facilities Modernization has negotiated on behalf of the District of Columbia a shared-building-use agreement with TMA to provide TMA with shared use of the gymnasium facility and to provide for shared costs of operating and

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maintaining the facility.

(e) There exists an immediate need to approve this disposition to have the shared-building-use agreement executed and in place prior to the completion of the gymnasium facility scheduled for August 2009, in anticipation of the start of the 2009-2010 school year.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Savoy School Gymnasium Disposition Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve, on an emergency basis, the disposition of a portion of certain real property, commonly known as the Alfred Kiger Savoy Elementary School, located at 2400 Shannon Place, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Savoy School Gymnasium Disposition Emergency Approval Resolution of 2009".

Sec. 2. (a) Pursuant to section 1(b) and 1(b-3) of An Act Authorizing the lease of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code §10-801(b) and (b-3)) ("Act"), the Mayor transmitted to the Council a request for Council approval of the disposition, by a shared- building-use agreement, of a portion of real property commonly known as the Alfred Kiger Savoy Elementary School, located at 2400 Shannon Place, S.E., and designated for assessment and taxation purposes as Lot 0806 in Square 0625 ("Property"), to the Thurgood Marshall Academy ("TMA"), a District of Columbia public charter school, for the specific purpose of providing TMA shared space in a new gymnasium complex being constructed as part of the modernization of Savoy Elementary School.

(b) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition justifies the disposition of the Property, as proposed by the Mayor.

(c) The Council finds that the Property is no longer required for public purposes.

(d) Pursuant to section 1(c) of the Act, the Council approves the disposition of the Property by lease to TMA, pursuant to a shared-building-use agreement and terms and conditions the Mayor considers appropriate.

Sec. 3. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of Public Education Facilities Modernization, the Chief Financial Officer, and the Mayor.

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to authorize funding for the Office of Public Education Facilities Modernization to continue ongoing modernization projects, to undertake the Fiscal Year 2009 Phase I modernizations identified in the Master Facilities Plan submitted to the Council on March 3, 2009, to make critical improvements to school facilities, to improve District of Columbia Public Schools athletic fields and playgrounds, and to support planning, program management, and auditing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2009 Office of Public Education Facilities Modernization Funding Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to authorize funding for the Office of Public Education Facilities Modernization ("OPEFM") to continue ongoing modernization projects, to undertake the Fiscal Year 2009 Phase I modernizations identified in the Master Facilities Plan ("MFP") submitted to the Council on March 3, 2009, to make other critical improvements to school facilities, to improve District of Columbia Public Schools ("DCPS") athletic fields and playgrounds, and to support planning, program management, and auditing.

(b) The Fiscal Year 2009 Proposed Financial Plan and Budget placed restrictions on the use of authorized capital funds until the approval of a MFP. To enable basic repairs on schools and modernization of schools already approved, as well as the planning and management of facility improvements, the Council enacted the Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008, effective March 21, 2009 (D.C. Law 17-326; 56 DCR 502) ("Act"). The Act provided for the use of approximately 60% of OPEFM's fiscal year 2009 capital funding. On March 3, 2009, the Mayor submitted a proposed MFP to the Council that documented the poor condition of District of Columbia public schools. The MFP identifies an approach for improving all active schools that focuses on the classroom, where students spend the majority of their time. Under the plan, high schools would be scheduled for full modernization because of the students' general use of all elements of a building, while

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improvements to elementary and middle schools would be made only to classrooms until the year 6 of the plan, when building systems would then be addressed.

(c) In laying out priorities for these improvements over the initial 6 years, the MFP did not provide needed proposals and information in key areas. Neither the MFP nor subsequent testimony made a compelling case for fixing up interiors before roofs, windows, or heating, ventilating, or air conditioning systems, or other systems, were addressed. Improvements to grounds, sidewalks, and athletic fields were also not addressed. The following information continues to be needed:

(1) Substantiate projected enrollments, particularly at the high school level, that differ markedly from today's enrollment and recent trends;

(2) Provide strategies or specific facility improvements to support academic objectives for schools, including for those facilities scheduled for the one year of the MFP;

(3) Provide a facility plan to address the District of Columbia's goals to provide universal pre-kindergarten education or career and technical education;

(4) Describe how the improvements and related budget will enable the DCPS to meet the requirements of the federal Individuals with Disabilities Education Act or the Americans with Disabilities Act;

(5) Describe how the plan relates to other community and public goals to encourage broader community benefit from school facility improvement;

(6) Provide standards and criteria for improvements to grounds, sidewalks, parking facilities, athletic fields, and playgrounds;

(7) Provide evidence of coordination and cooperation with public charter schools in the development of the MFP; and

(8) Provide clear project selection criteria to support project choices.

(d) The MFP has made a compelling case for the need for general facility condition improvement throughout the school system. The OPEFM has ongoing facility modernizations that require additional funding to complete. In addition, there are certain school facility stabilization and modernization projects that have achieved a state of planning and design that require authorization and funding to commence.

(e) To provide for modernization of DCPS school facilities, to continue MFP development and planning, and to initiate certain projects to address critical stabilization needs at various DCPS school facilities, OPEFM requires authority to use the remaining general obligation bond authority included in its fiscal year 2009 capital budget.

(f) In recognition of the very poor condition of schools and other facilities on school campuses, the Council has identified \$45.3 million in additional funding in the fiscal year 2010 budget that can be authorized for essential repairs and modernizations to begin in fiscal year 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal

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Year 2009 Office of Public Education Facilities Modernization Funding Emergency Act of 2009
be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to authorize expenditures for existing and new programs in fiscal year 2009 from existing fund balances in the Sustainable Energy Trust Fund and the Energy Assistance Trust Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Clean and Affordable Energy Fund Balance Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Clean and Affordable Energy Act of 2008 ("CAEA") eliminated the Reliable Energy Trust Fund and the Natural Gas Trust Fund and equally distributed any fund balances remaining in each fund to a newly established Sustainable Energy Trust Fund ("SETF") and Energy Assistance Trust Fund ("EATF").

(b) As the amounts transferred to the SETF and EATF are greater than the approved program budgets for fiscal year 2009, fund balances are projected to remain in both the SETF and the EATF at the end of fiscal year 2009.

(c) Section 210 and section 211 of the CAEA specify the total amount of SETF and EATF funds that may be expended for each program identified in the CAEA. These sections also delineate each program type eligible for SETF or EATF funding. Therefore, to spend greater amounts of funds or to spend funds on additional programs other than those that were originally conceived when the CAEA was approved, the CAEA must be amended.

(d) The Office of Energy in the District Department of the Environment has identified additional financial needs for available EATF funds in its existing Low Income Home Energy Assistance Program, currently funded by section 211(c)(1) of the CAEA. The Office of Energy has also identified additional financial needs for available SETF funds in its existing Affordable Housing program, Weatherization Rehabilitation Asset Partnership program, and Home Energy Rating System program, currently funded by section 210(c)(6) of the CAEA. Finally, the Office of Energy has identified appropriate spending needs for available SETF funds for 2 new programs: a Government Building Energy Efficiency Program and a Small Business Energy Efficiency Program.

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(e) The current economic crisis has resulted in significant budgetary shortfalls at the local, regional, and national levels. Unemployment has increased, along with the needs of many low-income individuals and families.

(f) Under these circumstances, to help alleviate the needs of low-income individuals and families, along with helping to employ those who have lost their jobs, it is imperative that available SETF and EATF fund balances be “put to work” in fiscal year 2009, without delay.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Clean and Affordable Energy Fund Balance Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-162

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to approve a multiyear contract with Washington Gas Energy Services, Inc. to provide electricity supply to District accounts managed by the Office of Property Management.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2009-C-7003 Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Office of Property Management, proposes to enter into a multiyear agreement with Washington Gas Energy Services, Inc. ("Washington Gas") to provide electricity supply to District government accounts managed by the Office of Property Management for 3 years, from January 8, 2010.

(b) The estimated total expenditure under this multiyear contract with Washington Gas is in an amount not to exceed \$ 53.5 million per year.

(c) Approval is necessary to allow the District to continue to receive the benefit of these vital services from Washington Gas.

(d) These critical services can only be obtained through an award of the multiyear contract with Washington Gas.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-2009-C-7003 Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-163

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve, on an emergency basis, multiyear Contract No. DCAM-2009-C-7003 with Washington Gas Energy Services, Inc. to provide electricity supply to District accounts managed by the Office of Property Management.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2009-C-7003 Emergency Approval Resolution of 2009".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Office of Property Management, proposes to enter into a multiyear agreement with Washington Gas Energy Services, Inc. ("Washington Gas") to provide electricity supply to District accounts managed by the Office of Property Management.

(b) The estimated total expenditure under this multiyear contract with Washington Gas is in an amount not to exceed \$ 53.5 million per year.

Sec. 3. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(c)(3)), the Council approves Contract No. DCAM-2009-C-7003.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-164

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To declare the existence of an emergency with respect to the need to approve the disposition of certain District-owned real property to the Washington Metropolitan Area Transit Authority to effectuate the relocation of the Southeastern Bus Garage.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Relocation of the Southeastern Bus Garage Emergency Declaration Resolution of 2009".

Sec. 2. (a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor has transmitted to the Council a request for approval of the disposition to the Washington Metropolitan Area Transit Authority ("WMATA") of Square 6264, Lot 800, a portion of D.C. Village ("Disposition Property").

(b) WMATA is acquiring the Disposition Property from the District in order to operate its Southeastern Bus Garage on the D.C. Village site.

(c) WMATA sold the site on which it had previously operated the Southeastern Bus Garage ("Former Southeastern Bus Garage Site") in August 2008.

(d) WMATA has garaged the buses that were garaged at the Former Southeastern Bus Garage Site in alternate bus garages in Maryland, Virginia, and the District. As a result, WMATA has incurred interim expenses while a new site for the Southeastern Bus Garage has been sought.

(e) The District previously agreed to pay the interim expenses of WMATA beginning in July 2008 and continuing until WMATA obtained title to a replacement site.

(f) WMATA cannot obtain the title to the Disposition Property unless the Council approves the disposition of the Disposition Property.

(g) The District has already paid \$2.4 million in interim expenses and is responsible for payment of \$1.6 million more.

(h) If the Council does not immediately approve the disposition of the Disposition Property, the District will be liable for an additional \$400,000 in interim expenses due on June 1, 2009.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Relocation of the Southeastern Bus Garage Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2009

To approve, on an emergency basis, the disposition of certain District-owned real property to the Washington Metropolitan Area Transit Authority to effectuate the relocation of the Southeastern Bus Garage.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Relocation of the Southeastern Bus Garage Emergency Approval Resolution of 2009".

Sec. 2. Approval of disposition.

(a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the disposition to the Washington Metropolitan Area Transit Authority ("WMATA") of all of Square 6264, Lot 800, a portion of D.C. Village ("Relocation Property").

(b) In exchange for the Relocation Property, WMATA would make a payment to the District of \$6,450,000.

(c) The Council finds that the Relocation Property is no longer required for public purposes.

(d) The Council approves the disposition of the Relocation Property.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.